

KCC 4729.1 (K-C 16,210.1)
PATENT**REMARKS**

This Amendment is in response to the Office action mailed May 13, 2003. By this paper, claims 1, 17 and 18 are amended, and claim 16 is cancelled without prejudice. Accordingly, claims 1-15, 17 and 18 are pending upon entry of this amendment.

Response to Rejections in view of '019 Patent

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,338,019 issued to Trewella et al. Claim 1, as amended, is particularly directed to the provision of a recloseable package which contains individually wrapped feminine care articles (such as panty liners or interlabial pads) which can be carried in the user's purse (or similar portable container) along with other items. The package must be large enough to permit easy removal of the feminine care product, but no larger than absolutely necessary so that minimal room is occupied by the package in a purse and the feminine care articles are maintained in an orderly fashion within the package.

Moreover, the package must be configured so that remaining feminine care articles do not easily fall out after some of the feminine care articles from the package have been removed. In other words, the package needs to be constructed so that it remains substantially conformed to its contents as the volume occupied by the contents is reduced. Thus, the claimed invention has a substantial advantage to women (e.g., working women) who are away from home for extending periods during the day. The prior art has not contemplated the provision of such a convenient and functional package of feminine care articles. In considering the patentability of the present invention, it is necessary to look at the claimed combination, i.e., both the package and the individually wrapped feminine care articles as a unit. The prior art must contain the structure of both the package and the

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individually wrapped feminine care articles in a single reference, or there must be some suggestion for combination of multiple references showing individual features into the claimed combination of the package and the individually wrapped feminine care articles.

More particularly, claim 1, as amended, is directed to a combination of a package comprising a plural number of individually wrapped absorbent feminine care articles and reclosable packaging.

The packaging includes:

(a) a flexible pocket having a hollow interior sized and shaped for receiving said absorbent article;

(b) a flexible pocket having a hollow interior receiving said plural number of absorbent feminine care articles ;

(c) an opening extending into the hollow interior of the pocket ;

(d) a flap attached to the pocket adapted for covering the opening to retain said plural number of individually wrapped feminine care articles in the hollow interior of the pocket, . . . ; and

(e) a reclosable adhesive closure comprising an adhesive material positioned on said flap for engaging the exterior area of the pocket to releasably hold said flap in the closed position, the adhesive closure being spaced from a distal edge of the flap to permit a portion of the flap to be grasped and separated from the pocket without releasing the closure.

Claim 1 is unanticipated by and patentable over Trewella in that this reference fails to show a package comprising a plurality of individually wrapped absorbent feminine care articles and reclosable packaging having an adhesive closure comprising an adhesive material positioned on said flap for engaging the exterior area of the pocket to releasably hold said

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flap in the closed position, the adhesive closure being spaced from a distal edge of the flap to permit a portion of the flap to be grasped and separated from the pocket without releasing the closure.

In contrast, Trewella discloses packages and a method for their manufacture adapted to permit sterilization of the contents of the package. The package is used for surgical articles, such as surgical sponges, that are required to be sterilized. Once the package is opened and exposed to a non-sterile environment, it is desirable that there be positive indication that the contents of the package are no longer sterile. The package disclosed by Trewella "cannot be casually resealed by mere manual pressure" once the package has been opened. '019 patent, col. 2, line 61. Therefore, there is no disclosure of a flexible package having an opening which is "reclosable" as required by claim 1. In the present application (see pp. 7-8), the flap is capable of retaining itself (or being retained) in a closed position over the opening after the pocket has been opened. Once the package of Trewella is opened, the package cannot be reclosed. Accordingly, claim 1 is patentable over Trewella.

Additionally, claim 1 has been amended, in part, to emphasize the combination of the package and the individually wrapped feminine care articles contained by the package. As described in the specification, (see, pp 5-6), feminine care articles can include panty liners, feminine napkins, tampons, and interlabial pads. The Examiner asserts that the surgical sponges disclosed in Trewella are capable of being used in the manner of feminine care articles, thus constituting function or intended use. However, the individually wrapped feminine care articles are positively claimed limitations of the claim and not just language of intended use. The disclosure of enclosing surgical sponges and the like in the package of Trewella does not teach or

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suggest enclosing individually wrapped feminine care articles in the package. "Feminine care articles" have a well-understood meaning as articles that are specially configured for handling periodic menses in females. It would not be thought to include a surgical sponge. Applicants demand citation of a reference showing use of surgical sponges as feminine care articles.

Thus, the reference does not disclose a plurality of individually wrapped feminine care articles as recited in claim 1. As Trewella fails to disclose or suggest a package comprising a plurality of individually wrapped absorbent feminine care articles and reclosable packaging having an adhesive material positioned on said flap for engaging the exterior area of the pocket to releasably hold the flap in the closed position, claim 1 is novel over this reference.

Claims 2-15 and 17-18 each depend from claim 1, and are patentable over Trewella for at least the same reason as set forth above with respect to claim 1. Accordingly, these claims are not anticipated or obvious in view of the cited references and favorable consideration of these claims is respectfully requested.

Response to Rejections in view of '853 Patent

Claim 1 was also rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,557,853 issued to Jones. Claim 1 is unanticipated by and patentable over Jones in that this reference fails to show or suggest a package including a plurality of individually wrapped absorbent feminine care articles and an adhesive disclosure spaced from a distal edge of a flap to permit a portion of the flap to be grasped and separated from the pocket without releasing the closure.

Jones discloses a container for holding sanitary napkins. The napkins are not individually wrapped, as required by claim 1.

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Opening the flap of the Jones container exposes all of the napkins to the environment, unlike the claimed invention.

The container of Jones has hook and loop type fastener strips adhesively secured to the closure flap and the front panel. Although the hook and loop type fasteners of Jones are secured to the container with adhesive, the fasteners hold the flap in the closed position with the engaged hook and loop material, not with adhesive. Claim 1 now more particularly requires the adhesive material to be engageable with the exterior area of the pocket to secure the flap. The fasteners of Jones do not releasably hold the flap in the closed position with adhesive material as required by claim 1. The closure is the hook and loop material, not the adhesive.

Moreover, the hook and loop material strips are each spaced only very slightly from the distal edge of the flap. Jones provides no explicit teaching of spacing the closure material far enough from the distal edge to permit the flap to be grasped and separated from the pocket without releasing the closure. From the drawings of Jones, it appears impossible to grasp the flap between the distal edge and the hook and loop material, and to separate the flap from the pocket without releasing the connection of the hook and loop material strips from each other.

Jones provides spacing between the side edges of the flap and the hook and loop material to permit such grasping, but this is done at the sacrifice of a complete closure of the flap with the pocket. Applicants in contrast, allow the closure to extend all the way across the underside of the flap for full connection with the pocket across its length. This allows for less open space between the flap and pocket which could allow debris to enter the pocket. Failing to show or suggest spacing the closure material far enough from the distal edge to permit the flap to be grasped and separated from the pocket without releasing the closure,

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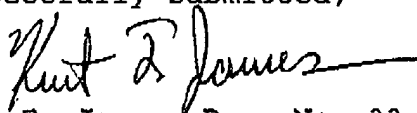
Jones cannot anticipate claim 1.

Accordingly, claim 1 is not anticipated by the cited references and favorable consideration of claim 1 is respectfully requested. Claims 2-15 and 17-18 depend directly or indirectly from claim 1 and are submitted as patentable over the cited reference for the same reasons.

Conclusion

In view of the foregoing, reconsideration and prompt allowance of claims 1-15 and 17-18 is respectfully requested.

Respectfully submitted,



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